

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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WILLIAM HUMPHRIES
Petitioner,

v.

STEVEN O'BRIEN
Respondent.

Civil Action No. 04-40142-FDS

RESPONDENT'S MOTION FOR AN ENLARGEMENT
OF TIME IN WHICH TO FILE A RESPONSIVE PLEADING

Now comes the Respondent, Steven O'Brien, and hereby respectfully moves this Court to enlarge the time in which he must file a memorandum of law in opposition to the petition for habeas corpus until December 15, 2004. The respondent's memorandum of law in opposition to the petition is currently due on November 30, 2004. In support of this motion the respondent states:

1. This is a federal habeas corpus petition, brought pursuant to 28 U.S.C. §2254, from the petitioner's 2002 Hampden County convictions for cocaine distribution.
2. On August 24, 2004, this Court entered an order granting a motion for scheduling order allowing the petitioner until October 15, 2004 to file a memorandum in support of the petition. As of this date, November 5, 2004, the petitioner has yet to file a memorandum of law in support of the petition for habeas corpus.
3. The undersigned counsel is scheduled to file the appellee's brief in the case of *Erick J. Jones v. City of Boston, et al.*, United State Court of Appeals for the First Circuit No. 04-1975, on November 24, 2004.

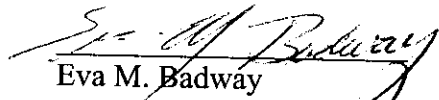
4. The undersigned counsel is also scheduled to file the Commonwealth's brief in the case of *Commonwealth v. John Williams*, Mass. Appeals Court No. 2004-P-546, on November 29, 2004.

5. The undersigned counsel is scheduled to attend a seminar sponsored by the National Attorneys' General Association on the topic of United States Supreme Court practice from December 1, 2004 through December 2, 2004.

4. No previous application has been made to this Court for an enlargement of time to answer or otherwise plead.

WHEREFORE, the Respondent requests that this Court enlarge the time in which he must file a memorandum of law in opposition to the petition for habeas corpus until December 15, 2004.

Respectfully submitted,


Eva M. Badway
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Dated: November 5, 2004

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2004, I caused a copy of the above Motion for an Enlargement of Time to be served by first-class mail, postage prepaid, upon William Humphries, *pro se*, North Central Correctional Institution, 500 Colony Road, Gardner, MA 01440.


Eva M. Badway